

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**ANITA LOUISE DYET, aka
ANITA LOUISE SEALE, aka
ANITA LOUISE FRATODDI**

Registered Nurse License No. 547505

Respondent

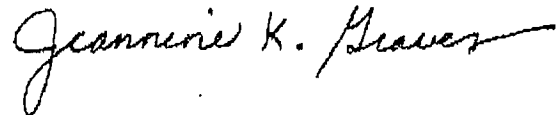
Case No. 2011-575

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **May 19, 2011**.

IT IS SO ORDERED **May 19, 2011**.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2011-575

11 **ANITA LOUISE DYET, AKA ANITA**
12 **LOUISE SEALE, AKA ANITA LOUISE**
13 **FRATODDI**
2334 Prairie Drive
14 East Wenatchee, WA 98802
Registered Nurse License No. 547505

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 Respondent.

16
17 In the interest of a prompt and speedy resolution of this matter, consistent with the public
18 interest and the responsibility of the Board of Registered Nursing of the Department of Consumer
19 Affairs the parties hereby agree to the following Stipulated Surrender of License and Order which
20 will be submitted to the Board for approval and adoption as the final disposition of the
21 Accusation.

22 **PARTIES**

23 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
24 Registered Nursing. She brought this action solely in her official capacity and is represented in
25 this matter by Kamala D. Harris, Attorney General of the State of California, by Randy M.
26 Mailman, Deputy Attorney General.

2. Anita Louise Dyet, aka Anita Louise Seale, aka Anita Louise Fratoddi (Respondent) is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about August 31, 1998, the Board of Registered Nursing issued Registered Nurse License No. 547505 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2011-575 and will expire on September 30, 2012, unless renewed.

JURISDICTION

4. Accusation No. 2011-575 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on December 27, 2010. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2011-575 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2011-575. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 547505, issued to Respondent Anita Louise Dyet, aka Anita Louise Seale, aka Anita Louise Fratoddi, is surrendered and accepted by the Board of Registered Nursing.

14. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

15. Respondent shall lose all rights and privileges as a Registered Nurse in California as of the effective date of the Board's Decision and Order.

16. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.

17. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2011-575 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

18. Upon reinstatement of the license, Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of One Thousand Twenty Five Dollars and No Cents (\$1,025.00). Respondent shall be permitted to pay these costs in a payment plan approved by the Board.

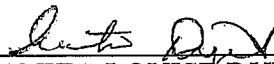
19. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 2011-575 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

20. Respondent shall not apply for licensure or petition for reinstatement for two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 3-11-11


ANITA LOUISE DYET, AKA ANITA LOUISE
SEALE, AKA ANITA LOUISE FRATODDI
Respondent


ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: 3-17-2011

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General


RANDY M. MAILMAN
Deputy Attorney General
Attorneys for Complainant

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1 EDMUND G. BROWN JR.
Attorney General of California
2 KAREN B. CHAPPELLE
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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. *2011-575*

11 **ANITA LOUISE DYET, AKA ANITA**
12 **LOUISE SEALE, AKA ANITA LOUISE**
13 **FRATODDI**

A C C U S A T I O N

14 **2334 Prairie Drive**
East Wenatchee, WA 98802
Registered Nurse License No. 547505

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about August 31, 1998, the Board of Registered Nursing issued Registered
23 Nurse License Number 547505 to Anita Louise Dyet, aka Anita Louise Seale, aka Anita Louise
24 Fratoddi ("Respondent"). The Registered Nurse License was in full force and effect at all times
25 relevant to the charges brought herein and will expire on September 30, 2012, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

STATUTORY PROVISIONS

5. Section 490 of the Code provides:

"(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

6. Section 118, subdivision (b) of the Code provides, in pertinent part:

"(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground

provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.”

7. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

8. Section 2761 of the Code provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

...
(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action...

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.”

COST RECOVERY

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

REGULATORY PROVISIONS

10. California Code of Regulations, title 16, section 1444, provides:

“A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare.

Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in

subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.”

FIRST CAUSE FOR DISCIPLINE

(Conviction for Substantially Related Crime)

11. Respondent is subject to disciplinary action under section 2761, subdivisions (a) and (f) and section 490 of the Code, as defined in California Code of Regulations, Title 16, Section 1444, subdivision (c) in that on or about December 14, 2009, after pleading *nolo contendere*, Respondent was convicted of one infraction count of violating Penal Code section 490.1 (petty theft) in the criminal proceeding entitled *The People of the State of California v. Anita Louise Dyet* (Super. Ct. Stanislaus County, 2009, No. 1410261). Respondent was placed on informal probation for one year, ordered to stay away from Costco, and fined. The circumstances surrounding the conviction are as follows:

- a. On or about August 13, 2009, Respondent entered into Costco, in Modesto, California. Respondent took DVDs, books, and doggie treats and concealed them in her purse.
- b. Respondent went to the cashier, paid for the items in her shopping cart, but failed to pay for any of the items that she had concealed in her purse.
- c. Respondent left Costco and was apprehended outside of the store.

SECOND CAUSE FOR DISCIPLINE

(Disciplinary Action by the Texas Board of Nursing)

12. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct in that Respondent was disciplined by the Texas Board of Nursing (“Texas Board”).

13. On or about April 17, 2008 pursuant to the Agreed Order issued by the Texas Board, in the disciplinary action entitled *In the Matter of Registered Nurse License Number 608259 issued to Anita Louise Dyet*, the Texas Board disciplined Respondent’s license by issuing

1 a warning with stipulations. Respondent was ordered to complete a course in Texas nursing
2 jurisprudence and ethics. The basis for the order is as follows:

- 3 a. On or about October 8, 2007, Respondent submitted a renewal application to the
4 Texas Board.
- 5 b. In the renewal application, Respondent was asked, "Have you ever been convicted,
6 placed on community supervision whether or not adjudicated guilty, sentenced to
7 serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or
8 nolo contendere to any crime in any state, territory or country, or received a court order
9 whether or not a sentence was imposed, including any pending criminal charges or
10 unresolved arrest whether or not on appeal (excluding minor class C traffic violations?
11 This includes expunged offenses and deferred adjudication with or without a finding
12 of guilt?" To this question, Respondent answered, "Yes."
- 13 c. On or about August 27, 2010, Respondent was charged with the offense of Theft, a
14 misdemeanor, in the Melbourne Courthouse, Brevard County, Florida, Case #05-2001-
15 MM-049910AXXX. Proceedings were deferred without adjudication and Respondent
16 was ordered to pay a fine in the amount of \$150 and court costs.
- 17 d. On or about December 20, 2006, Respondent was granted a pre-trial intervention for
18 the offense of Grand Theft of More than 300 less 20000, a 3rd degree Felony, in the
19 circuit court of the Eighteenth Judicial Circuit In and For Brevard County, Florida,
20 Case #052006CF028157AXXX. On July 12, 2007, an order of Nolle Prosequi was
21 entered based upon the Respondent's successful completion of the Pre-Trial
22 Intervention Program.

23 **THIRD CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct)**

25 14. Respondent is subject to disciplinary action under Code section 2761, subdivision
26 (a), in that Respondent committed acts of unprofessional conduct. The conduct is more
27 particularly described in paragraph 11, subparagraphs (a) through (c) and paragraph 13,
28 subparagraph (a) through (d), inclusive, above, and herein incorporated by reference.

PRAYER

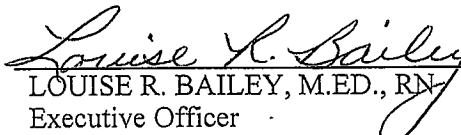
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 547505, issued to Anita Louise Dyet, aka Anita Louise Seale, aka Anita Louise Fratoddi;

2. Ordering Anita Louise Dyet, aka Anita Louise Seale, aka Anita Louise Fratoddi to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: December 27, 2010


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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